

Requested by Representative LEVY E

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3080**

1 On page 1 of the printed bill, line 3, after “ORS” insert “107.115,” and  
2 after “127.533,” insert “127.535,”.

3 Delete line 20 and insert:

4 “(c) A majority of the principal’s adult children who can be located;”.

5 On page 2, after line 33, insert:

6 “(5) The authority of an incapable principal’s spouse to act under this  
7 section as the principal’s health care representative is terminated upon the  
8 filing of a petition for dissolution or annulment of marriage.”.

9 In line 35, after “(1)” delete the rest of the line and insert “Unless oth-  
10 erwise allowed by court order, the”.

11 In line 38, after “(A)” insert “Except as permitted under ORS 127.635  
12 (1)(c)(A)(ii),”.

13 In line 44, after “(b)” insert “Notwithstanding section 2 of this 2025  
14 Act,”.

15 On page 3, after line 20, insert:

16 “**SECTION 3a.** ORS 127.535 is amended to read:

17 “127.535. (1) A health care representative has the authority over the  
18 principal’s health care that the principal would have if the principal were  
19 not incapable, subject to the limitations of the appointment and ORS 127.540  
20 and 127.580. A health care representative who is known to a health care  
21 provider to be available to make health care decisions has priority over any

1 person other than the principal to act for the principal with respect to health  
2 care decisions. A health care representative has authority to make a health  
3 care decision for a principal only when the principal is incapable.

4 “(2) A health care representative is not personally responsible for the cost  
5 of health care provided to the principal solely because the health care rep-  
6 resentative makes health care decisions for the principal.

7 “(3)(a) Except to the extent that the right is limited by the appointment  
8 or by federal law or regulation, a health care representative for an incapable  
9 principal has the same right as the principal to receive information regard-  
10 ing the proposed health care, to receive and review medical records and to  
11 consent to the disclosure of medical records. The right of the health care  
12 representative to receive information as described in this section is not a  
13 waiver of any evidentiary privilege or any right to assert confidentiality with  
14 respect to others.

15 **“(b) Nothing in this subsection is intended to supersede a health**  
16 **care provider’s authority under the federal Health Insurance Porta-**  
17 **bility and Accountability Act privacy regulations, parts 160 and 164, to**  
18 **deny access to a principal’s information or records if the health care**  
19 **provider, in the health care provider’s professional judgment, deter-**  
20 **mines that access is reasonably likely to endanger the life or physical**  
21 **safety of the principal or other person.**

22 “(4) In making health care decisions, a health care representative has a  
23 duty to act consistently with the desires of the principal as expressed in the  
24 principal’s advance directive, or as otherwise made known by the principal  
25 to the health care representative. If the principal’s preferences are unknown,  
26 a health care representative has a duty to act in a manner that the health  
27 care representative in good faith believes to be in the best interests of the  
28 principal.

29 “(5) ORS 127.505 to 127.660 do not authorize a health care representative  
30 or health care provider to withhold or withdraw life-sustaining procedures

1 or artificially administered nutrition and hydration if the principal manifests  
2 an objection to the health care decision. If the principal objects to the health  
3 care decision, the health care provider shall proceed as though the principal  
4 is capable with respect to the health care decision.

5 “(6) An advance directive or form appointing a health care representative  
6 that would be valid except that the advance directive or form appointing a  
7 health care representative is expired, is not properly witnessed or otherwise  
8 fails to meet the formal requirements of ORS 127.505 to 127.660 shall consti-  
9 tute evidence of the patient’s desires and interests.

10 “(7) A health care representative is a personal representative for the  
11 purposes of ORS 192.553 to 192.581 and the federal Health Insurance Porta-  
12 bility and Accountability Act privacy regulations, 45 C.F.R. parts 160 and  
13 164.”.

14 On page 4, line 10, delete “who” and insert “whom”.

15 On page 25, after line 12, insert:

16 **“SECTION 17a.** ORS 107.115 is amended to read:

17 “107.115. (1) A judgment of annulment or dissolution of a marriage re-  
18 stores the parties to the status of unmarried persons, unless a party is mar-  
19 ried to another person. The judgment gives the court jurisdiction to award,  
20 to be effective immediately, the relief provided by ORS 107.105. The judgment  
21 shall:

22 “(a) Revoke a will pursuant to ORS 112.315.

23 “(b) Revoke a transfer on death deed pursuant to ORS 93.981.

24 “(c) Terminate the authority of an agent under a power of attorney pur-  
25 suant to ORS 127.015, a health care representative pursuant to ORS 127.545  
26 (5)(c)(B) **or section 2 of this 2025 Act** or an attorney-in-fact pursuant to  
27 ORS 127.722.

28 “(2) The marriage relationship is terminated when the court signs the  
29 judgment of dissolution of marriage.

30 “(3)(a) The Court of Appeals or Supreme Court shall continue to have

1 jurisdiction of an appeal pending at the time of the death of either party.  
2 The appeal may be continued by the personal representative of the deceased  
3 party. The attorney of record on the appeal, for the deceased party, may be  
4 allowed a reasonable attorney fee, to be paid from the decedent's estate.  
5 However, costs on appeal may not be awarded to either party.

6 “(b) The Court of Appeals or Supreme Court shall have the power to de-  
7 termine finally all matters presented on such appeal. Before making final  
8 disposition, the Court of Appeals or Supreme Court may refer the proceeding  
9 back to the trial court for such additional findings of fact as are  
10 required.”.

11 On page 39, line 18, after “ORS” insert “107.115,”.

12 In line 19, after “127.533,” insert “127.535,”.

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